



**MEMO ENDORSED**

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December 21, 2012

**BY FACSIMILE # (212) 805-7930**

Hon. James C. Francis, IV  
United States Magistrate Judge  
United States District Court  
500 Pearl Street  
New York, New York 10007

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Re: Mark Nunez v. City of New York, et al., 11-CV-5845 (LTS) (JCF)

Your Honor:

We write in order to request one additional week to allow the parties to continue negotiations concerning a stipulation that would extend the City's time to answer in light of pending internal DOC investigations, and would also allow this lawsuit to proceed as a class action with regard to injunctive and/or declaratory relief. The parties have agreed to the arrangement in principle and we are attempting to finalize a suitable stipulation with appropriate language for Your Honor's consideration. This past week we exchanged with plaintiffs' counsel drafts of a proposed stipulation, and we expect to continue discussions after the Christmas holiday. Plaintiffs' counsel join in this request.

Respectfully submitted,

Arthur G. Larkin (AL 9059)  
Assistant Corporation Counsel

cc: All Counsel (by facsimile)

12/21/12  
Application granted.  
(SO ORDERED).  
James C. Francis IV  
USM/T